

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

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COMPLETE TITLE OF CASE:

HAROLD KRUTZ, ET AL.,

Appellants

v.

STEVEN VAN METER, AN INDIVIDUAL AND AS  
PERSONAL REPRESENTATIVE, ET AL.,

Respondents

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DOCKET NUMBER WD71360

DATE: May 4, 2010

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Appeal From:

Circuit Court of Jackson County, MO  
The Honorable Kathleen A. Forsyth, Judge

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Appellate Judges:

Division Four: Thomas H. Newton, C.J., James Edward Welsh, and Gary D. Witt, JJ.

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Attorneys:

Richard W. Martin, Jr., Olathe, KS

Counsel for Appellants,

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Attorneys:

Gretchen M. Gold, Kansas City, MO

Counsel for Respondents

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**MISSOURI APPELLATE COURT OPINION SUMMARY  
MISSOURI COURT OF APPEALS, WESTERN DISTRICT**

**HAROLD KRUTZ, ET AL., Appellants, v. STEVEN VAN  
METER, AN INDIVIDUAL AND AS PERSONAL  
REPRESENTATIVE, ET AL., Respondents**

WD71360

Jackson County

Before Division Four Judges: Thomas H. Newton, C.J., James Edward Welsh, and Gary D. Witt, JJ.

Harold Krutz and Michael Krutz ("the Krutzes") appeal the circuit court's judgment dismissing their action for an accounting against Steven Van Meter, individually and in his capacity as personal representative for decedent Walter Mulvania, and against Mulvania's heirs. The circuit court dismissed the action on the basis that it was barred by the statute of limitations.

**AFFIRMED.**

**Division Four holds:**

Section 461.300.2, RSMo Cum. Supp. 2009, required the Krutzes to commence their action for an accounting within eighteen months after Mulvania's death. The Krutzes did not do so but blamed their untimely filing on the personal representative's failing to file the probate estate's inventory statement on time and his failing to send the Krutzes a copy of it once it was filed. The legislature does not provide for tolling section 461.300.2's limitations period on either of these bases. Courts are not permitted to carve out exceptions to a limitations period based upon alleged hardship. The circuit court properly dismissed the Krutzes' action.

**Opinion by: James Edward Welsh, Judge**

May 4, 2010

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